

## Exhibit B-1

### EXHIBIT B-1: Conditions of Approval (DRC2012-00095)

The following conditions are listed by category or issue area. Section 8.0 of the Final EIR (FEIR) includes the Mitigation Monitoring and Reporting Plan, which identifies when monitoring is required for environmental conditions, as well as which public agencies will be involved. The term 'Applicant' is currently referring to Phillips 66 Company. However, 'Applicant' shall also refer to any successor in interest for the life of the project.

The final section of this Exhibit lists Conditions of Approval that have been pulled from Section 8.0 of the FEIR due to the possible preemption by Federal law which could prevent these mitigation measures from being implemented (outside of the SMR facility boundary).

#### Approved Development

1. This approval authorizes modification of the existing rail spur currently on the southwest side of the Santa Maria Refinery in order to allow for the import/unloading of crude oil at the refinery via train and related elements as follows:
  - a. Rail Spur Facility – The Facility would include extension of an existing rail spur which is currently used for shipment of coke (an oil refinement by-product) from the southwest side of the refinery extending east to add an unloading facility for crude oil trains, onsite pipelines, and replacement coke rail loading tracks.
  - b. Operations – Once constructed, the Project would involve unloading of up to three unit trains per week (or a combined total of three unit and manifest trains), with an annual maximum number of trains of 150. Trains would arrive from different North American oilfields and/or crude oil loading points depending on market availability. In a unit train configuration, each train would consist of three locomotives, two buffer cars, and 80 railcars carrying approximately 27,300 gallons each, for a total of approximately 2,190,000 gallons (52,000 barrels) of crude oil. The Project would not affect the amount of material processed at the refinery. Trains could arrive at the Project site from the north or the south. The refinery feedstock definition (meaning the materials that could be transported by train into the proposed facility) excludes gaseous feeds, natural gas liquids (NGL), liquefied petroleum gas (LPG), finished refined products, and Bakken crude. The feedstock would be sourced from oilfields throughout North America based on market economics and other factors. Crude oil would be shipped to the refinery in DOT approved tank cars.
  - c. Rail Facility - The rail facility would be designed around “train slots” (a track that can contain an entire unit train). An eighty rail car unit train would be unloaded within 10 to 12 hours, including time for positioning and preparing the train for departure. The proposed two-slot facility would allow adequate capacity unloading. Modification of the existing rail spur would include constructing five parallel tracks. In addition, two new coke rail loading tracks would be installed north of the new crude oil unloading tracks to allow for easier and shorter access to the coke storage area. Additionally, the two existing coke rail storage tracks, south of the crude oil unloading tracks, would have new rails installed and would no longer be used for loading coke, but would be used as part of the rail unloading facilities. Two tracks would surround an unloading rack and then would come together to form a common track that extends to the east of the loading area to allow for the entire train to be parked off of the mainline track and unloaded. Three additional tracks would extend the full length of the rail spur and run parallel to the unloading area. The system has been designed to allow for up to two full trains to temporarily be on the Refinery Site at one time in case a second train arrives while the first is still being unloaded.

## Exhibit B-1

- d. Unloading Facility - The unloading component of the rail facility would include an access platform and a system of pumps and meters, suction lines from the railcars, carbon beds for vapor treatment, steam lines and steam condensate vessel, and a common pipeline leading to the refinery's existing tank farm. The access platform would run parallel to the railcar unloading tracks, with an individual gangway and safety cage at each rail car unloading station. The unloading facility would be equipped with two 10-car unloading systems allowing 20 rail cars to be unloaded at one time. The unloading rack is configured to unload two 10-car strings simultaneously. The 600-foot-long center platform would provide access to the tops of the railcars. The unloading facility would also be equipped with steam lines that would allow the rail cars to be heated prior to unloading. Infrastructure to utilize steam already produced at SMR would be constructed to heat cars that have been subject to unanticipated delays during transit that has allowed the crude oil to cool. The rail car steam heating system is conditioned to be used only once per year.
- e. Pipelines - Downstream of the two unloading facility meter assemblies, a new 24-inch above ground crude oil pipeline would be routed along an existing internal dirt road on the Project Site between the unloading facility and the refinery. This pipeline would connect with the existing refinery crude oil storage tanks. The new crude oil pipeline would be approximately 3,525 feet in length. The crude pipeline to the existing storage tanks would be equipped with electrical heat tracing that would be used to keep the heated crude warm until the next train load of crude can be used to push it into the existing storage tanks. New steam and condensate pipelines would be installed from the existing SMR boilers to the unloading rack. The total length of the steam pipelines would be approximately 6,300 feet. The total length of the condensate pipeline would be about 2,300 feet.
- f. Emergency Vehicle Access Road - Additionally, an existing agricultural road would be improved as an unpaved eastern Emergency Vehicle Access route between the eastern end of the rail spur and State Route 1.
- g. Areas of Disturbance - The project construction would occur entirely within the existing Phillips 66 Santa Maria Refinery (SMR) boundary and is summarized below:
- 6,915 feet – Length of spur extension (including approximately 2,445 feet within the existing industrial coke plant area);
  - 270 feet – Maximum width of construction area for rail extension;
  - 2,325 feet – Length of the new pipeline route from the unloading facility to the internal refinery (an additional 2,800 feet would be constructed within the existing refinery connecting to the existing storage tanks and existing steam boilers);
  - 2,400 feet - Length of new steam pipelines from the unloading facility east between Tracks 1 and 2; and,
  - Maximum width of the temporary construction area for pipeline installation would be 25 feet.
- Acres breakdowns (temporary + permanent) are summarized below:
- 41.6 acres – Rail Spur and Unloading Facility (25.3 acres permanent + 16.3 temporary),
  - 3.8 acres – New Pipeline (1.8 acres permanent + 2 acres temporary), and

## Exhibit B-1

- 1.6 acres – Secondary Emergency Vehicle Access (1.6 acres permanent).

Collectively, the entire project, including temporary and permanent impacts, would affect approximately 47 acres. Of this area, 19.5 acres would occur within the existing refinery and coke area, and 27.5 acres would occur in undeveloped areas outside the refinery and coke facilities.

- h. Construction Duration - Construction is anticipated to occur over a period of 9 – 10 months. In some cases, portions of the individual tasks below would occur concurrently.
- i. Security Fencing and Lighting - An extension of the existing eight-foot in height chain link fencing topped with barbed wire would be required around the periphery of the new tracks. The security fence would not extend east around the perimeter of the secondary emergency access road. Additional lighting would also be required for the rail unloading facility. LED flood lights would be mounted on standards. The security fence lighting would be on standards that are 15-feet high and spaced 500 feet apart. The unloading facility lighting would be on standards that are 25-feet high and spaced 150-feet apart. Each light would have a rating of 13,138 lumen. All lights shall be dark sky compliant.
- j. Support Buildings - The unloading facility would include a small parking area and restroom facilities. Both men's and women's restroom facilities would be served by potable water and a septic system for wastewater disposal.
- k. Project Lifetime - The project is expected to operate for the remaining life of the SMR, which could be another 20 or 30 years, if not longer. Decommissioning and abandonment of the Rail Spur facilities would require similar equipment and durations as the construction of the facilities. Once all of the equipment was removed the area would be graded and then revegetated. The remaining life of the refinery is dependent on crude oil supplies, prices and overall economics.
- l. Previous Conditions – All previous conditions of approval authorized by previous use permits shall remain in effect except for conditions of approval specifically modified by this approval as described therein.

The project description in the Final EIR (Section 2.0) provides greater detail that shall also be used to guide construction-level development.

2. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section (CZLUO) 23.02.040 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by CZLUO Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
3. This conditional use permit would not have been approved without each and every condition of approval associated with it. In the event that a court of law, or an administrative agency with authority to do so, finally determines one or more of the conditions of this conditional use permit to be unenforceable then: (1) if such a final determination is made prior to the Applicant or its successor-in-interest obtaining a

vested right to construct the Project the conditional use permit shall become void and shall only proceed upon a rehearing at the Planning Commission, and new approval of the conditional use permit, and (2) if such final determination is made following the Applicant or its successor-in-interest having obtained a vested right to construct the Project then the conditional use permit will be immediately set for hearing at the Planning Commission, where new and modified conditions may be established to achieve the objectives of any stricken conditions.

4. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project unless the condition relates solely to pre- construction and construction activities and must be satisfied prior to obtaining a construction permit. These conditions will apply to decommissioning as required by the County. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the CZLUO.

## GENERAL

### Site Development

5. **At the time of application for construction permits**, plans submitted shall show all development necessary for the requested permit for the entire development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
6. **Prior to construction permit issuance**, the FEIR Mitigation Monitoring and Reporting Plan shall be updated and incorporated into the project development to ensure adherence to the applicable Conditions of Approval in this exhibit.
7. **At least 90 days prior to initiating any decommissioning activities**, the operator shall request a **Notice to Proceed** from the County Department of Planning and Building. Decommissioning activities shall not occur until the County issues the notice after first reviewing and approving all related mitigation measures are being implemented or will be in place as specified in the conditions relating to the decommissioning process.

### Services (for on-site water and septic)

8. **At the time of application for construction permits**, the Applicant shall submit evidence that there is adequate water to meet the water supply requirements of construction and operation activities that are expected to occur in the current phase of the Project.
9. **At the time of application for construction permits**, the Applicant shall submit evidence that a septic system, adequate to serve the needs of the Project, can be installed on the site, that adhere to the following:
  - a. On-site wastewater system shall be in conformance with the County-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19.
  - b. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.

- c. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from septic systems and dry wells.

**Other Agency Review**

10. **Prior to issuance of a construction permits**, the Applicant shall provide the County with Agency letters or other verification acceptable to the County that the following agencies have reviewed and approved within their respective jurisdictions, or been consulted with regarding, the portion of project plans applicable to their respective jurisdictions, with any agency requirements approved by the County, other than those required in these COA, shown on all applicable plans:
  - a. CalFire
  - b. County Health Department
  - c. County Air Pollution Control District
  - d. County Public Works
  - e. County Sheriff's Department
  - f. California Public Utilities Commission
  - g. Caltrans (District 5 and Caltrans Division of Rail)
  - h. California Department of Fish and Wildlife / Office of Oil Spill Prevention and Response
  - i. Regional Water Quality Control Board
  - j. Federal Agencies (USFWS, Federal Railroad Administration (FRA), etc.)
11. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance / Coastal Zone Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works. The drainage plans and report shall also address:
  - a. The project is located near the edge of the Nipomo mesa, all site grading and drainage shall be designed and constructed in accordance with County Code.
  - b. The project site may be subject to potential flooding within undrained depressions. If required per County Code, prepare a detailed flood analysis for review and approval by Public Works to delineate the extent of the flood hazard and identify the areas suitable for building.
12. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with the Coastal Zone Land Use Ordinance.
13. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

14. **As an on-going condition of approval (valid for the life of the project)**, The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance.

## ENVIRONMENTAL CONDITIONS

### Environmental Monitor

15. **MM EM-1** Prior to issuance of construction permits, the Applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval and EIR mitigation measures. The monitor shall assist the County in condition compliance and mitigation monitoring for all applicable construction, post-construction, operation of the project, as specified in a scope of work, and as approved by the County Department of Planning and Building.

The monitoring plan shall include a post-construction program to monitor construction measures that extend beyond the construction period (e.g., success of sedimentation and erosion control measures, etc.), as well as monitor certain mitigation measures required during the operational phase.

The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor, and any County administrative fees, shall be paid by the Applicant.

The Applicant shall also be responsible for funding work required by mitigation measures specifying use of individuals with special expertise (e.g., botanist, wildlife biologist) and for coordinating with resource agencies. The County's environmental monitor will coordinate with specialists to ensure their availability at appropriate times (prior to issuance of construction permits, or during construction, as required by the Conditions of Approval). In addition, the County's environmental monitor shall coordinate and communicate with resource agencies (i.e., CDFG, USFWS, ACOE) regarding project-related requirements. The monitor may also be tasked with monitoring implementation of resource agency requirements if desired by the resource agencies and coordinated through the County.

### Aesthetics

16. **MM AV-1a - Prior to issuance of grading and construction permits**, the applicant shall submit a revised site-grading plan to the Department of Planning and Building for review and approval showing the following:
- a. An earthen berm shall be constructed around the eastern perimeter of the rail spur. The berm shall be a minimum of 10 feet tall and a maximum of 25 feet tall above the

## Exhibit B-1

existing grade and as shown on the Berm Location Concept Map (FEIR Figure 4.1-11) for the purpose of reducing views of the rail spur and trains from State Route 1 and the California Coastal Trail / De Anza Trail.

- b. The berm shall be designed and constructed to appear as a natural dune landform and shall have gradually undulated horizontal and vertical dimensions (consistent with Policy 5: Landform Alterations).
- c. No other existing landforms which would provide visual screening of the facility shall be used as source of borrow material for the required berm.
- d. The berm shall be revegetated with native grasses and shrubs to match the surrounding natural land cover and plant community.

No disturbance shall occur outside of the identified area of disturbance shown on the site-grading plan.

17. **MM AV-1b - Prior to issuance of grading and construction permits**, the applicant shall submit a revised site-grading plan to the Department of Planning and Building for review and approval showing the following:
  - a. All new cut and fill slopes shall include slope-rounding and landform grading techniques to avoid an engineered appearance (consistent with Policy 5: Landform Alterations).
18. **MM AV-1c - Prior to issuance of grading and construction permits**, the applicant shall submit a Habitat / Landscape Revegetation Plan to the Department of Planning and Building for review and approval showing the following:
  - a. All new slopes shall be revegetated with native grasses and shrubs to match the surrounding natural land cover and plant community.
19. **MM AV-3a - Prior to issuance of grading and construction permits**, the applicant shall submit a comprehensive lighting plan to the Department of Planning and Building for review and approval showing the following:
  - a. The Lighting Plan shall be based on a photometric study prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America (IESNA).
  - b. The Lighting Plan shall be prepared by a qualified engineer who is an active member of the IESNA using guidance and best practices endorsed by the International Dark Sky Association.
  - c. The applicant shall provide the specific technical data and performance criteria required by the applicable safety policy used as the basis for the Lighting Plan.
  - d. As part of the Lighting Plan, illumination levels shall be the minimum required by the specifically defined public safety policy and ordinances.

## Exhibit B-1

- e. As part of the Lighting Plan, direct views of all lighting sources shall be directed downward and shielded from view from public roads.
  - f. As part of the Lighting Plan, lights shall be designed and constructed to reduce illumination of the adjacent slopes and dunes where applicable.
  - g. As part of the Lighting Plan, no lights shall be placed east of any portion of the screening berm required in mitigation measure AV-1a.
  - h. As part of the Lighting Plan, lighting for all rail spur perimeter fencing shall be equipped with motion sensors for activation rather than left on continuously.
20. **MM AV-3b - Within six months following completion of construction**, a Lighting Evaluation Report shall be submitted to the Department of Planning and Building for review and approval. The purpose of the Lighting Evaluation Report shall be to assess and correct any unexpected or residual lighting impacts following project completion. The report shall be prepared by a by a qualified engineer who is an active member of the IESNA who was not associated with the preparation of the Lighting Plan described in mitigation measure AV-3a. Preparation of the Lighting Evaluation Report shall be by a qualified engineer retained by the County of San Luis Obispo and funded by the project applicant. The Lighting Evaluation Report shall include the following at a minimum:
- a. A comprehensive assessment of the lighting resulting from the rail spur project and project operations as seen from State Route 1, Oso Flaco Road, the California Coastal Trail, De Anza Trail and public viewing areas to the east. The Lighting Evaluation Report shall assess the completed project during a variety of operational conditions including all typical procedures such as unloading, moving of trains, multiple trains present, etc. The Report shall evaluate and identify where, if any unexpected light impacts occur, such as but not limited to reflection off trains, adjacent landforms, buildings, unexpected sources, etc.
  - b. The Lighting Evaluation Report shall make specific recommendations to reduce the effects of any unexpected or excessive residual lighting impacts identified in the report. Recommendations may include but not be limited to: repositioning lights, lowering heights, increasing sizes of cut-off shields, reducing types of luminaires, reducing wattage, and modifying operational procedures.
21. **MM AV-3c - Existing Facility and Operations Lighting Evaluation. Prior to issuance of grading and construction permits**, the applicant shall submit a comprehensive evaluation of the existing refinery facility and operations lighting to the Department of Planning and Building for review and approval showing the following:
- a. The Existing Facility and Operations Lighting Evaluation shall be prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America (IESNA).
  - b. The Existing Facility and Operations Lighting Evaluation shall assess the sources and levels of all existing lighting associated with the refinery operations, and shall determine if any lighting levels exceeds the minimum required by applicable County of San Luis Obispo, state and federal safety regulations.

## Exhibit B-1

- c. If lighting levels exceed the applicable regulations, the Existing Facility and Operations Lighting Evaluation shall make specific recommendations to reduce the lighting levels to the minimum required.

The project applicant shall implement all recommendations made by the Lighting Evaluation Report and required by the Department of Planning and Building.

### Air Quality

22. **MM AQ-1a - Prior to issuance of grading and construction permits**, and throughout project construction, as applicable, the Applicant shall implement the following construction emission reduction measures:
  - a. Properly maintain all construction equipment according to manufacturer's specifications;
  - b. Fuel all off-road and portable diesel powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
  - c. Applicant shall include the following, in addition to complying with state Off-Road Regulations, in order to reduce peak daily/quarter ROG+NO<sub>x</sub> emissions: 1) Use CARB Tier 4 certified diesel construction equipment off-road heavy-duty diesel engines and 2) Stagger the construction schedule to prevent peak day/quarter emissions from exceeding the threshold (for example, no site preparation during grading and soil transport);
  - d. Use CARB 2010 or cleaner certified on-road heavy-duty diesel trucks to the extent feasible and comply with state On-Road Regulations;
  - e. If construction or trucking companies that are awarded the bid or are subcontractors for the project do not have equipment to meet the above two measures, the impacts from the dirtier equipment shall be addressed through SLOCAPCD approved off-site or other mitigation measures;
  - f. All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and job sites to remind drivers and operators of the 5 minute idling limit;
  - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted (Sensitive receptors are defined in the SLOCAPCD Handbook as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units);
  - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
  - i. Equipment shall be electrified when feasible;
  - j. Substitute gasoline-powered or diesel hybrids in place of diesel-powered equipment, where feasible; and

## Exhibit B-1

- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
23. **MM AQ-1b - Prior to issuance of grading and construction permits**, the Applicant shall ensure SLOCAPCD regulations that prohibit developmental burning of vegetative material within San Luis Obispo County are followed for the life of the project.
24. **MM AQ-1c - Prior to issuance of grading and construction permits**, the Applicant shall ensure that portable equipment and engines 50 horsepower or greater, used during grading and construction activities must have a California portable equipment registration (issued by the ARB) or a SLOCAPCD permit. Proof of registration must be provided to the SLOCAPCD prior to the start of grading or construction or a permit secured from the SLOCAPCD prior to the start of grading or construction. The following list is as a guide to equipment and operations that may have permitting requirements, but it is not exclusive:
- a. Power screens, conveyors, diesel engines, and/or crushers;
  - b. Portable generators and equipment with 50-horsepower or greater engines;
  - c. Internal combustion engines;
  - d. Unconfined abrasive blasting operations;
  - e. Concrete batch plants;
  - f. Rock and pavement crushing;
  - g. Tub grinders; and
  - h. Trommel screens.
25. **MM AQ-1d - Prior to delivery of each piece of equipment to the SMR**, the Applicant shall ensure that all grading and construction equipment greater than 100 bhp be equipped with CARB Level 3 diesel particulate filters (DPF), or equivalent, to achieve an 85 percent reduction in diesel particulate emissions from an uncontrolled engine. If CARB verified Level 3 DPFs cannot be secured for all of the equipment greater than 100 hp then the applicant will offset the added DPM with measures including but not limited to schedule modifications, implementation of no idling requirement, or other applicable measures providing a total reduction equivalent to an 85 percent reduction from uncontrolled engines as approved by the SLOCAPCD.
26. **MM AQ-1e - Prior to issuance of grading and construction permits, or during construction**, if emissions of ROG+NO<sub>x</sub> with the above mitigations still exceed the thresholds, the Applicant shall secure SLOCAPCD-approved onsite or off-site reductions in ROG+NO<sub>x</sub> emissions to ensure that ROG+NO<sub>x</sub> emissions do not exceed the SLOCAPCD quarterly thresholds. Coordination with the SLOCAPCD should begin at least six (6) months prior to issuance of grading and/or construction permits for the Project to allow time for refining calculations and for the SLOCAPCD to review and approve the Construction Activity Management Plan (CAMP) and on-site or off-site mitigation approach.

## Exhibit B-1

27. **MM AQ-1f - Prior to issuance of applicable grading permits**, the Applicant shall prepare a Dust Control Plan to be approved by the APCD and County Health and include requirements in the SLOCAPCD CEQA Handbook identified as fugitive dust mitigation measures and shall include a combination of the following, as approved by the SLOCAPCD and County Health:
- a. Reduce the amount of the disturbed area where possible.
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
  - c. All dirt stockpile areas should be sprayed daily as needed, covered, or a SLOCAPCD-approved alternative method will be used. (90 percent reduction from no dust control).
  - d. Permanent dust control measures identified in the approved Project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities and shall use native species that have been shown to reduce particulate emissions to the extent feasible.
  - e. Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established.
  - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOCAPCD.
  - g. All roadways, driveways, etc. to be paved should be completed as soon as possible. In addition, equipment pads should be laid as soon as possible after grading unless seeding or soil binders are used.
  - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
  - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
  - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
  - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible
  - l. Apply water every 3 hours to disturbed areas within the construction site. For areas not being actively worked, soil binders may be used in place of watering. .

## Exhibit B-1

- m. In support of APCD standard fugitive dust mitigation measures, the applicant shall designate a Visible Emission Evaluation certified person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize nuisance violations from dust complaints (Rule 402) and to reduce visible emissions below the APCD's Rule 401 requirement that opacity not exceed 20% for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of the designated monitor shall be provided to the SLOCAPCD Compliance Division and the Department of Planning and Building prior to the start of any grading, earthwork, or demolition.
  - n. All PM<sub>10</sub> mitigation measures required shall be shown on grading and building plans.
  - o. Between June 1 and November 30, when Valley Fever rates of infection are the highest, additional dust suppression measures (such as additional water or the application of additional soil stabilizer) will be implemented prior to and immediately following ground disturbing activities if wind speeds exceed 15 miles per hour (mph) or temperatures exceed 95 degrees Fahrenheit for three consecutive days. The additional dust suppression will continue until winds are 10 mph or lower and outdoor air temperatures are below 90 degrees for at least two consecutive days. The additional dust suppression measures will be incorporated into the Final Dust Control Plan. The Plan will be submitted to the County for review and approval.
  - p. The primary project construction contractor will prepare and implement a worker training program that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction. The worker training program will identify safety measures to be implemented by construction contractors during construction. Safety measures will include: 1) Providing HEPA-filtered air-conditioned enclosed cabs on heavy equipment. 2) Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment. 3) Providing communication methods, such as two-way radios, for use by workers in enclosed cabs. 4) Providing personal protective equipment (PPE), such as half-mask and/or full-mask respirators equipped with particulate filtration, to workers active in dusty work areas. 5) Providing separate, clean eating areas with hand-washing facilities for construction workers. 6) Cleaning equipment, vehicles, and other items before they are moved offsite to other work locations. 7) Providing training for construction workers so they can recognize the symptoms of Valley Fever and promptly report suspected symptoms of work-related Valley Fever to a supervisor. 8) Directing workers that exhibit Valley Fever symptoms to immediately seek a medical evaluation.
  - q. Construction activities that will generate dust shall be limited to periods when good air quality is forecasted to the maximum extent feasible. The 6 day forecast for the CDF forecast zone shall be utilized as available from the APCD website, [slocleanair.org](http://slocleanair.org). This information should be used by all on-site workers to plan construction activities for days when the air quality is forecast to be good.
28. **MM AQ-1g - Prior to issuance of applicable grading permits**, the Applicant shall submit a geologic evaluation under the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations, to determine if Naturally Occurring Asbestos

(NOA) is present within the area that will be disturbed. NOA has been identified as a toxic air contaminant by the CARB. If NOA is not present, an exemption request must be filed with the SLOCAPCD. If NOA is found at the site, the Applicant must 1) comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the SLOCAPCD; and 2) conduct a geological evaluation prior to any grading. Technical Appendix 4.4 of the SLOCAPCD CEQA Handbook includes a map of zones throughout the County where NOA has been found. More information on NOA is available at <http://www.slocleanair.org/business/asbestos.php>.

29. **MM AQ-1h - Prior to issuance of demolition permits**, if required, the Applicant shall comply with asbestos containing material (ACM) requirements. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of ACM. ACM could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes and pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation or a building(s) is proposed to be removed or renovated, various regulatory requirements may apply, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: (1) notification to the SLOCAPCD; (2) an asbestos survey conducted by a Certified Asbestos Inspector; and (3) applicable removal and disposal requirements of identified ACM. More information on asbestos is available at <http://www.slocleanair.org/business/asbestos.php>.
30. **MM AQ-1i - Should hydrocarbon contaminated soil be encountered during construction activities**, the SLOCAPCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an SLOCAPCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered: 1) Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal; 2) Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH –non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate; 3) Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted; 4) During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and, 5) Clean soil must be segregated from contaminated soil. The notification and permitting determination requirements shall be directed to the SLOCAPCD Enforcement Division
31. **MM AQ-2a - Prior to issuance of Notice to Proceed**, the Applicant shall provide a mitigation, monitoring and reporting plan updated annually. The plan shall investigate methods for reducing the onsite emissions, both from fugitive components and from other SMR activities (such as the diesel pumps, trucks, and compressors to reduce DPM). The plan shall indicate that, on an annual basis, if onsite emissions of ROG+NO<sub>x</sub> and DPM from the Project still exceed the thresholds, as measured and confirmed by the SLOCAPCD, the Applicant shall secure SLOCAPCD-approved onsite and/or offsite emission reductions in ROG+NO<sub>x</sub> and DPM emissions or contribute to new or existing programs to ensure that onsite project-related ROG+NO<sub>x</sub> and DPM emissions do not exceed the SLOCAPCD thresholds. Coordination with the SLOCAPCD should begin at least six (6) months prior to issuance of the Notice to Proceed for the Project to allow

time for refining calculations and for the SLOCAPCD to review and approve any required ROG+NO<sub>x</sub> and DPM emission reductions.

32. **MM AQ-2b - Prior to issuance of Notice to Proceed**, the Applicant shall implement a program, including training and procedures, to limit all locomotive onsite idling to no more than 15 consecutive minutes except when idling is required for safety purposes. Locomotive idling records shall be maintained and provided to the SLOCAPCD on an annual basis, along with training materials and training records.
33. **MM AQ-4b - All trucks under contract to the SMR for moving coke and sulfur** shall meet EPA 2010 model year NO<sub>x</sub> and PM emission requirements and a preference for the use of rail over trucks for the transportation of coke shall be implemented to the extent feasible in order to reduce offsite emissions. Trucking of coke and sulfur from the refinery shall be limited to an annual average maximum of 49 trucks per day. **In addition, no crude oil shall be delivered to the refinery, or transported from the refinery by truck. Annual truck trips associated with refinery operations and their associated model year and emissions shall be submitted to the SLOCAPCD annually.**
34. **MM AQ-4c - Crude oil train unloading and switching activities at the SMR** shall be limited to the period of 7 a.m. to 7 p.m. to reduce the emissions during periods of calm meteorological conditions. Reports shall be submitted to the County and APCD indicating the time of arrival, the start and end time of train switching break-apart and unloading and departure time. These time limits do not apply to pull-in of the unit trains from the mainline. When a unit train is pulled in between 7 p.m. and 7 a.m., the locomotives shall shut down until the allowed unloading time starting at 7 a.m. No switching or breaking apart of trains or any other locomotive activity is allowed between 7 p.m. and 7 a.m. except for the minimum activity needed to move the unit train onto the SMR property.
35. **MM AQ-6/8 - Prior to issuance of the Notice to Proceed**, Prior to issuance of the Notice to Proceed, the Applicant shall provide a GHG mitigation, monitoring and reporting plan for the onsite GHG emissions. The plan shall investigate methods to bring the onsite Rail Spur Project GHG emissions at the refinery to zero for the entire project each year. The plan shall indicate that, on an annual basis, if after all onsite mitigations are implemented, the onsite GHG emissions from the Rail Spur Project still exceed zero, then SLOCAPCD-approved off-site mitigation will be required. Methods could include the contracting arrangement that increases the use of more efficient locomotives, or through other, onsite measures. Coordination with the SLOCAPCD should begin at least six (6) months prior to issuance of operational permits for the Project to allow time for refining calculations and for the SLOCAPCD to review and approve the mitigation approach.
36. **MM AQ-7 - Prior to issuance of Notice to Proceed**, the Applicant shall ensure that any new odor sources be added to the existing Refinery Odor Control Plan and submitted to the SLOCAPCD for review and approval before the start of construction. Mitigation shall include carbon canisters on all vacuum trucks, arrival and pre-departure inspection of all rail cars for fugitive leaks, monitoring of rail car top vents during unloading, and methods to reduce and eliminate odors associated with maintenance activities. Monitoring of odors from the rail facility and the other portions of the SMR potentially affected by a change in crude oil slate, shall be included in the Plan and shall be conducted by an

independent third party monitor, retained by the County of San Luis Obispo Department of Planning, for the first three months of operation during each unit train visit. The APCD shall be notified of monitoring and unit train activity. Monitoring activities can be reduced, in coordination and agreement with the APCD, after the facility startup if odors are not determined to affect areas offsite. In addition to monitoring, the amended Odor Control Plan shall also detail control measures and/or operating procedures that will be implemented to reduce odor impacts if odors are a concern. The Plan shall also include an implementation schedule for incorporating additional measures if needed. The Plan measures shall include leak detection (if not already implemented), lower leak detection and repair threshold limits (to 100 ppm), increased component monitoring frequency (monthly), component replacement with lower leak levels and improved vapor control systems and these measures shall be discussed in the Odor Control Plan.

## Biological Resources

37. **MM BIO-1 - Prior to earth disturbance activities**, a floristic survey shall be conducted within the Rail Spur Project area in accordance with the California Department of Fish and Wildlife (CDFW) Protocol for surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2009) and the Guidelines for Conducting and Reporting Botanical Inventories for Federally listed, Proposed, and Candidate Species (USFWS 2000). The survey shall specifically focus on the presence/absence of Nipomo Mesa lupine and, if normal rainfall conditions are present during the survey, the findings would be only valid for a period of two years.

The floristic survey shall be conducted during a blooming period with normal rainfall if feasible. A 'normal' rainfall period is equivalent to the monthly or annual average of precipitation over a 30 year time period for the area. The results of this survey shall be submitted to the County, United States Fish and Wildlife Service, and California Department of Fish and Wildlife within 30 days of completing the survey for review and approval. No grading activities shall occur until the survey results have been accepted by the County, United States Fish and Wildlife Service, and California Department of Fish and Wildlife.

If 'normal' rainfall conditions have occurred prior to the initiation of the survey, and the results of this survey effort determine that Nipomo Mesa lupine is absent from the Rail Spur Project area, no further mitigation for this species shall be required at this time. Because it is well documented that Nipomo Mesa lupine may occur as a result of site disturbance, floristic surveys shall be conducted on an annual basis until there is no further disturbance to the native soil as a result of construction activities. Should Nipomo Mesa lupine be identified during construction, or if Nipomo Mesa lupine is identified prior to the initiation of activities during 'normal' rainfall conditions, the project shall avoid the individual or population to the extent feasible. If avoidance is not feasible then the applicant would be required by law to coordinate with California Department of Fish and Wildlife to acquire a 2081 Incidental Take Permit for this species and comply with any conditions imposed by that permit. At a minimum, the applicant shall implement BIO-5a (Dune Habitat Restoration Plan) and include Conservation Measures to establish and monitor Nipomo Mesa lupine population(s) within the identified on-site mitigation area at a ratio of 3:1 for individuals. The mitigation area for Nipomo Mesa lupine may overlap with the mitigation area for sensitive community impacts, which shall be protected from any grazing activities in perpetuity.

38. **MM BIO-2 - Prior to beginning earth disturbance activities**, the total number of California spineflower (*Mucronea californica*), sand almond (*Prunus fasciculata* var. *punctata*), Blochman's groundsel (*Senecio blochmaniae*), Blochman's leafy daisy (*Erigeron blochmaniae*), and dune larkspur (*Delphinium parryi* ssp. *blochmaniae*) shall be accurately estimated during the implementation of BIO-1. These population estimates shall be utilized as the basis for the in-kind replacement of these species described in Mitigation Measure BIO-5a. Should any additional populations of sensitive plant species that are considered rare by the California Native Plant Society (and not formally listed under the Endangered Species Act) be identified during the implementation of BIO-1 that were not previously observed in 2013, these species will also be replaced in-kind as part of the Dune Habitat Restoration Program and replacement success would be held to the same performance standards.
39. **MM BIO-3 - Prior to issuance of grading and construction permits**, a qualified wildlife biologist shall prepare a Sensitive Species Management Plan, which outlines the procedures and protocols for capturing and relocating sensitive animal species including coast horned lizard and silvery legless lizard during all phases of grading. This plan shall be approved by the County and California Department of Fish and Wildlife. Implementation of the Plan is required where impacts to sensitive animal species and their habitats are unavoidable and located within a minimum of 100 feet of the Disturbance Area (or greater as determined by the California Department of Fish and Wildlife). Within 30 days prior to mobilization, grading or construction, a qualified wildlife biologist shall conduct a pre-construction survey of the area of impact to determine the presence of sensitive wildlife species. Individuals will be searched and captured using techniques appropriate to the species of concern and approved by the appropriate resource agencies. All captured individuals will be released as soon as possible into nearby suitable habitat that has been previously identified by the qualified wildlife biologist in consultation with the County and California Department of Fish and Wildlife. The size or age-class, location of capture, and the relocation site shall be recorded for each individual relocated from the site.
40. **MM BIO-4 - At a minimum**, the following measures shall be incorporated in the Sensitive Species Management Plan:
1. Prior to grading activities, a County-approved biologist shall conduct a survey to identify whether badgers are using any portion of the site near the area in which disturbance is proposed. The survey shall be conducted no less than 14 days and no more than 30 days prior to construction. The survey shall cover the boundaries of proposed disturbance and 100 feet beyond, including all access roads, and shall examine both old and new dens. If potential badgers dens are found, they shall be inspected to determine whether they are occupied by badgers. Occupation of the den shall be determined by one or more of the following methods:
    - a. Use of a fiber-optic scope to examine the den to the end:
    - b. Partially obstruct the den entrance with sticks, grass, and leaves for three consecutive nights and examine for signs that animals are entering or leaving the den;
    - c. Dust the den entrance with a fine layer of dust or tracking medium for three consecutive nights and examine the following mornings for tracks.

## Exhibit B-1

2. Inactive dens within construction areas shall be excavated by hand with a shovel to prevent re-use of dens during construction.
  3. If badgers are found in dens between August and January, a qualified biologist shall establish a 50 foot diameter exclusion zone around the entrance. To avoid disturbance and the possibility of direct take of badgers, no construction, grading, or staging of equipment shall be conducted within the buffer area until the biologist has determined that the badger(s) have vacated the den.
  4. If badgers are found in dens between February and July, nursing young may be present. Therefore, a County-approved biologist shall establish a 200-foot diameter buffer around the den. No construction, grading, or staging of equipment shall be conducted within the buffer area until the biologist has determined that the badgers have vacated the den.
41. **MM BIO-5a - Prior to issuance of any grading permits**, the applicant shall retain a qualified biologist and/or botanist acceptable to the County to prepare a Dune Habitat Restoration Plan (DHRP) for review and approval by the County in consultation with the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS). The DHRP shall be signed by the retained qualified biologist and/or botanist and shall detail the methods for restoring or enhancing a minimum of 41.76 acres (2:1 for permanent impacts) of vegetation types considered to be sensitive communities by CDFW, with an emphasis on restoring known rare plant associations found within the BSA and those associations considered locally rare to the Guadalupe-Nipomo Dunes. The restoration area(s) shall be located within the Phillips 66 property boundary and protected from any grazing activity. The DHRP shall focus on restoring and enhancing sensitive communities, known rare plant associations, and species of locally rare plant associations, by removing invasive species (iceplant, veldt grass, and other invasive species) and planting appropriate native species, including but not limited to: mock heather, purple nightshade, Blochman's ragwort, Blochman's leafy daisy, California spineflower, sand almond and suffrutescent wallflower.

Should Nipomo Mesa lupine be identified within the Rail Spur Project area as a result of BIO-1, and avoidance of this species is not feasible, the DHRP shall also include methods of restoring and enhancing Nipomo Mesa lupine at a ratio of 3:1 for permanent impacts to individuals. Regardless of whether Nipomo Mesa lupine is identified on-site as part of BIO-1, the DHRP shall also focus on restoring and enhancing sensitive communities and rare plant associations immediately adjacent to known Nipomo Mesa lupine populations in order to promote expansion of the existing population.

At a minimum, the DHRP shall include the following elements:

- a. Identification of locations, amounts, size and types of plants to be replanted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful reestablishment.
- b. Provide for a native seed collection effort prior to ground disturbing activities. Collection of native seed shall be propagated by a County-approved contractor. Plants shall include but not be limited to California Native Plant Society (CNPS) listed plant species that may be affected.

## Exhibit B-1

- c. Quantification of impact based on “as-built plans” and quantification of mitigation areas such that the replacement criteria are met (2:1 acreage ratio, or 3:1 for Nipomo Mesa lupine individuals).
  - d. A program schedule and success criteria for a minimum five year monitoring and reporting program that is structured to ensure the success of the DHRP.
  - e. Provide for the in-kind replacement of the following sensitive species that occur within the Rail Spur Project area, which may include: California spineflower (*Mucronea californica*), sand almond (*Prunus fasciculata* var. *punctata*), Blochman’s groundsel (*Senecio blochmaniae*), Blochman’s leafy daisy (*Erigeron blochmaniae*) and dune larkspur (*Delphinium parryi* ssp. *blochmaniae*). Should Nipomo Mesa lupine be identified onsite, in-kind replacement of this species shall also be included. Individuals that are removed or damaged shall be replaced in-kind at a 3:1 ratio (based on square feet cover) within the designated restoration area with 100% success in 5 years.
  - f. Identification of access and methods of materials transport to the restoration area, including personnel, vehicles, tools, plants, irrigation equipment, water, and all other similar supplies. Access shall not result in new or additional impacts to habitat and special-status species.
  - g. The required Dune Habitat Restoration Program shall incorporate an invasive species control program and be implemented by qualified personnel to ensure that the invasive species control program does not result in any additional impacts to Nipomo Mesa lupine, or other rare species.
  - h. The restoration area shall be protected in perpetuity by an easement. The easement shall either be an open space easement, or a conservation easement if required by the California Department of Fish and Wildlife and United States Fish and Wildlife Service, or if chosen by the Applicant. The easement shall be in a form approved by County Counsel and CDFW and/or USFWS if required by those agencies.
  - i. Upon successful completion of the Dune Habitat Restoration Program and subsequent approval by the permitting resource agencies, the applicant shall consider providing non-profit organizations such as California Native Plant Society and The Land Conservancy with long term access to the restoration site for the purposes of education, and long-term maintenance of the restoration site. Long-term maintenance activities would only occur if permitted by the applicant, and would require coordination with California Department of Fish and Wildlife and United States Fish and Wildlife Service. Access to the site is not guaranteed as a result of this measure. Funding for any future long-term maintenance activities shall be facilitated by the non-profit organization.
42. **MM BIO-5b - Prior to initiation of construction**, the applicant shall retain a qualified biologist or botanist acceptable to the County to supervise the implementation of the DHRP. The qualified biologist or botanist shall supervise plant salvage and/or seed collection (prior to construction), plant propagation, site preparation, implementation timing, species selected for planting, planting installation, maintenance, monitoring, and reporting of the restoration efforts. The qualified biologist or botanist shall prepare and submit four annual reports and one final monitoring report to the County for review and

## Exhibit B-1

approval in consultation with California Department of Fish and Wildlife and United States Fish and Wildlife Service.. The annual and final monitoring reports shall include discussions of the restoration activities, project photographs, an assessment of success criteria attainment, and any remediation actions that may have been required in order to achieve the success criteria.

43. **MM BIO-5c - Prior to issuance of grading and construction permits**, the applicant shall define and clearly mark construction zone boundaries adjacent to known sensitive species occurrences with high visibility construction fencing, and shall mark groups of individual plants located within potential disturbance areas with highly visible flagging or fencing.
44. **MM BIO-5d - Prior to construction (within 48 hours)**, the applicant's retained biologist or botanist shall provide instruction to construction personnel regarding avoidance of sensitive habitats and special-status plants located in the vicinities of areas experiencing ground disturbance. The training shall include presentation of photos of sensitive plant species and habitat, summary of regulations and conditions applicable to protection of the species, identification of areas where removal of the species is permitted pursuant to the final conditions of approval and DHRP, and any ramifications for non-compliance.
45. **MM BIO-5e - During construction**, where disturbance to sensitive habitat and sensitive plant species is unavoidable (and permitted by the County upon approval of the project), the top four inches of surface material shall be salvaged and stockpiled for restoration use in consultation with the County, California Department of Fish and Wildlife and United States Fish and Wildlife Service. Existing native vegetation shall also be removed and included as mulch in order to capture any existing native seed material. The salvaged material shall be used as the finish layer on fill slopes and other disturbed areas that will not require regular vegetation maintenance.
46. **MM BIO-5f - During construction**, the use of heavy equipment shall be restricted to within the identified work areas throughout the duration of construction activities and all construction personnel shall be advised of the importance of limiting ground disturbance and construction activities to within the identified work areas. During ground disturbance activities, a full-time biological monitor shall monitor and map any populations or individual sensitive species that may bloom within, or directly adjacent to, areas of ground disturbance. Should Nipomo Mesa lupine be identified at any time during construction, the species shall not be disturbed and the County shall be contacted immediately. The applicant shall develop a plan for avoidance of the identified Mesa Lupine if possible. If avoidance is not feasible, or the species was inadvertently impacted during construction before identification by the biological monitor, the County and the applicant shall coordinate directly with the California Department of Fish and Wildlife and United States Fish and Wildlife Service. At a minimum, the impacts to any sensitive plant species shall be mitigated through implementation of BIO-5a.
47. **MM BIO-6a - At the time of application for grading and/or construction permits**, the applicant shall prepare an Oak Tree Inventory, Avoidance, and Protection Plan as outlined herein. The plan shall be reviewed by a County-approved arborist prior to approval of grading and/or construction permits, and shall include the following items:
  - a. Construction plans shall clearly delineate all trees within 50 feet of areas where soil disturbance would occur, and shall show which trees are to be impacted, and which

## Exhibit B-1

trees are to remain unharmed. All inventoried trees shall be shown on maps. The species, diameter at breast height, location, and condition of these trees shall be documented in data tables.

- b. Prior to any grading or grubbing, all trees that are within fifty feet of construction or grading activities shall be marked for protection and their root zone shall be fenced. The outer edge of the tree root zone to be fenced shall be outside of the canopy 1/2 again the distance as measured between the tree trunk and outer edge of the canopy (i.e., 1-1/2 times the distance from the trunk to the drip line of the tree), unless otherwise shown on the approved construction plans.
  - c. Prior to any grading or grubbing, a certified arborist shall be retained by the applicant to identify at risk limbs and perform all necessary trimming of oak tree limbs that could be damaged by project activities. Pruning shall be conducted as needed along all access roads and construction areas, including paved portions of County roads used for project equipment access. All pruning shall be conducted prior to construction equipment passage to minimize the potential for inadvertent damage to oak tree limbs. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler and 5) retain the natural shape of the tree. The certified arborist shall document all pruning impacts in a report submitted to the County San Luis Obispo.
  - d. A certified arborist shall be retained by the applicant to supervise all construction activities in areas containing oak trees in order to minimize disturbance to identified trees and their root zones wherever possible. The certified arborist will document all construction-related impacts to oak trees in an "as-built" report submitted to the County San Luis Obispo.
  - e. Immediately following submittal of the oak tree impact "as-built" report to the County San Luis Obispo, the applicant shall implement mitigation for all identified pruning and construction-related oak impacts per current County San Luis Obispo ratios and methods for oak tree mitigation and replacement. County oak tree replacement standards require a project proponent to prepare and implement an oak tree replacement plan. The plan shall provide for the in-kind replacement, at a 4:1 ratio, of all oak trees removed as a result of the project. In addition, the plan must provide for the in-kind planting, at a 2:1 ratio, of all oak trees impacted but not removed. The replacement trees must be monitored for seven years after planting.
48. **MM BIO-6b - Upon application for grading and construction permits**, the applicant shall submit an Oak Tree Replacement, Monitoring, and Conservation Plan to the County Department of Planning and Building. The Plan shall include the following:
- a. The County-approved arborist shall provide or submit approval of an oak tree replacement plan at a minimum 4:1 ratio for oak trees removed and a minimum replacement ration of 2:1 ratio for oak trees impacted (i.e., disturbance within the root zone area).

## Exhibit B-1

- b. Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores, and shall consist of 54-inch tall welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be used below ground. Planting during the warmest, driest months (June through September) shall be avoided. The plan shall provide a species-specific planting schedule. If planting occurs outside this time period, an irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the county.
  - c. Replacement oak trees shall be planted no closer than 20 feet on center and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees (if present); on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked "weed mat" or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. Annual monitoring reports will be prepared by a qualified arborist/botanist and submitted to the County by October 15 each year.
  - d. The restored area shall be at a minimum equal in size to the area of oak habitat lost or disturbed.
49. **MM BIO-7 - Prior to issuance of grading and construction permits**, the existing Santa Maria Refinery Spill Prevention, Control and Countermeasure Plan (SPCCP) shall be amended and submitted for review and approval to the County Planning and Building Department and the California Department of Fish and Wildlife, Office of Spill Prevention and Response. The Plan shall address protection of sensitive biological resources and revegetation of any areas disturbed during an oil spill or cleanup activities. The Plan shall incorporate, at a minimum, the following:
- a. An estimate of the worst case spill volume associated with the rail unloading operations.
  - b. A description of the spill containment equipment for the facility that clearly demonstrates that the worst case spill can be contained within the rail facility boundaries.
  - c. A description of the operating procedures for the rail unloading facilities that serve to prevent an oil spill.

## Exhibit B-1

- d. Measures taken to assure that the crude oil pipeline shall be designed such that any spill from the pipeline shall drain back to rail unloading area or shall otherwise be contained within the access roadway.
  - e. Provide a list of onsite oil spill response equipment that is adequate to handle the worst case spill volume.
  - f. Identify training requirement for oil spill response personnel, which includes annual spill drills.
  - g. Identification and communication protocols and agreements for responsible parties tasked with emergency response, cleanup, and rehabilitation efforts of any wildlife species and habitat that may be impacted.
  - h. Identification of known sensitive resources within any area that may be impacted by a potential oil spill or cleanup activities, and identification of staging areas and predetermined access and egress routes that pose little or no threat to sensitive biological resources.
  - i. Identification of oil spill cost recovery procedures for state and local government agencies.
  - j. Specific measures to avoid impacts to native vegetation and wildlife habitats, plant and animal species, and environmentally sensitive habitat areas during oil spill response and cleanup operations. For Rail Spur construction and operation, the Plan shall specifically address measures to 1) prevent oil spills from entering the adjacent property which includes a tributary to Oso Flaco Creek, and 2) in case a spill does enter any of these water features, shall include measures to prevent a spill from reaching the waters of Oso Flaco Lake. The plan shall describe the worst case scenario for maximum oil spill volume.
  - k. When habitat disturbance cannot be avoided, the Plan shall provide protocol and methodologies for removing contaminated vegetation from sensitive areas. Low-impact site-specific techniques such as hand-cutting contaminated vegetation, hand raking, and shoveling of contaminated soils shall be specified to remove spilled material from particularly sensitive wildlife habitats.
  - l. When habitat disturbance cannot be avoided, the Plan shall provide stipulations for development and implementation of site-specific habitat restoration plans and to restore native plant communities to pre-spill conditions. Procedures for timely re-establishment of vegetation that replicates the habitats disturbed (or, in the case of disturbed habitats dominated by non-native species, replaces them with suitable native species) shall also be included.
50. **MM BIO-8a - Prior to and during construction**, the applicant shall avoid disturbance of bird breeding and nesting activities if construction activities are scheduled to occur during the typical bird nesting season (February 15 and September 1). A qualified biologist shall also be retained to conduct a pre-construction survey on a weekly basis throughout the breeding season only during construction for the purpose of identifying potential bird nesting activity. Should construction continue to occur beyond September 1, a qualified biologist shall conduct a bi-weekly survey during the wintering season for

## Exhibit B-1

overwintering use by burrowing owl. If no nesting activities or overwintering burrowing owl are detected within the proposed work area, noise-producing construction activities may proceed and no further mitigation is required. If nesting activity or overwintering burrowing owl are detected during pre-construction nesting surveys or at any time during the monitoring of construction activities, the following shall occur:

- a. Work activities within 300 feet (500 feet if raptors) shall be delayed. CDFW and/or USFWS shall be contacted to determine the appropriate biological buffer distance around active nest sites.
  - b. Construction activities will be prohibited within the buffer zone until a biologist determines that the young birds have fledged and left the nest, or overwintering burrowing owl is no longer utilizing the burrow. The results of the surveys shall be immediately submitted to the CDFW and the County, demonstrating compliance with the Migratory Bird Treaty Act of 1918.
  - c. If destruction of occupied burrows is unavoidable during the non-breeding season, or if burrowing owls must be translocated during the non-breeding season, a Burrowing Owl Exclusion Plan shall be developed by a qualified biologist following the guidance of the CDFW Staff Report on Burrowing Owl Mitigation (2012).
51. **MM BIO-8b - To mitigate for the loss of burrowing owl habitat**, a minimum of 26.5 acres of suitable burrowing owl foraging and nesting habitat shall be provided in perpetuity through an easement prior to any project construction activities. If feasible, the protected lands shall occur within the boundaries of the Phillips 66 property or lands immediately adjacent to any known burrow site. At a minimum, the mitigation lands shall include similar vegetative attributes as the impact area, be of sufficiently large acreage and include the presence of fossorial mammals. Mitigation lands for burrowing owl may overlap with lands which are designated for restoration under the Dune Habitat Restoration Plan. Should there be any overlap, neither mitigation effort should negatively affect the goals and success criteria of the other. The location of the protected lands shall be determined in coordination with CDFW.
52. **MM BIO-9 - Prior to issuance of grading and construction permits**, the following measures shall be included on applicable plan sheets and the Dune Habitat Restoration Plan:
- a. During construction, the applicant will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species; or the material must consist of purchased clean material such as crushed aggregate, sorted rock, or similar.
  - b. During construction, the contractor shall stockpile topsoil and redeposit the stockpiled soil within disturbed areas onsite after construction of the Rail Spur is complete, or transport the topsoil to a certified landfill or other allowable location for disposal if soil cannot be used within disturbed areas onsite.
  - c. All erosion control materials including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed.

- d. The required Dune Habitat Restoration Program shall incorporate an invasive species control program.

## Cultural Resources

53. **MM CR-1a - Prior to issuance of grading and construction permits**, the Applicant shall submit plans showing a modified road alignment for the Emergency Vehicle Access (EVA) road to the Department of Planning and Building for review and approval. Grading and construction of the EVA shall avoid all ground disturbing activities within the previously identified boundary of CA-SLO-1190. The plans shall note the boundaries of the site as an Environmentally Sensitive Area (ESA) and shall include a 50-foot buffer around the ESA. No grading, storage of materials or equipment, or use of equipment shall occur within the ESA.
54. **MM CR-1b - Prior to issuance of grading and construction permits**, the Applicant shall submit an Archaeological Monitoring Plan to the Department of Planning and Building for review and approval. The plan shall include, at minimum:
  - a. List of personnel involved in the monitoring activities including a Native American monitor;
  - b. Clear identification of what portions of the project area in relation to CA-SLO-1190 shall be monitored;
  - c. Description of how the monitoring shall occur;
  - d. Description of monitoring frequency;
  - e. Description of resources expected to be encountered;
  - f. Description of circumstances that would result in the “work diversion,” in the case of discovery, at the project site;
  - g. Description of procedures for diverting work on the site and notification procedures; and
  - h. Description of monitoring reporting procedures.
55. **MM CR-1c - A County approved archaeological monitor** shall be present during all ground disturbing construction activities within intact native soil (i.e., undisturbed soils) within 300 feet of the previously identified boundary of CA-SLO-1190, and as noted in the approved Archaeological Monitoring Plan.
56. **MM CR-1d - Upon completion of all monitoring and mitigation activities required by CR-1 through CR-5, and prior to final inspection or occupancy**, whichever occurs first, the Applicant shall submit to the Department of Planning and Building a report summarizing all monitoring and mitigation activities and confirming that all recommended mitigation measures have been met.
57. **MM CR-2a - Prior to any grading or construction**, contractors involved in grading and grubbing activities shall receive training from a County-qualified archeologist. The training shall address the following issues:

## Exhibit B-1

- a. Review the types of archaeological artifacts that may be uncovered;
  - b. Provide examples of common archaeological artifacts to examine;
  - c. Review what makes an archaeological resource significant to archaeologists and local native Americans;
  - d. Describe procedures for notifying involved or interested parties in case of a new discovery;
  - e. Describe reporting requirements and responsibilities of construction personnel;
  - f. Review procedures that shall be used to record, evaluate, and mitigate new discoveries;
  - g. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts; and
  - h. Employees completing this training shall be given a special helmet sticker or card to show they have completed the training, where the sticker/card shall be kept with them at all times while at the work site.
58. **MM CR-2b - Prior to issuance of grading and construction permits**, the Applicant shall submit an Archaeological Monitoring Plan to the Department of Planning and Building for review and approval. The plan shall include, at minimum:
- a. List of personnel involved in the monitoring activities including a Native American monitor;
  - b. Description of how the monitoring shall occur;
  - c. Description of monitoring frequency;
  - d. Description of circumstances that would result in the “work diversion,” in the case of discovery, at the project site;
  - e. Description of procedures for diverting work on the site and notification procedures; and
  - f. Description of monitoring reporting procedures.
59. **MM CR-2c - A County approved archaeological monitor** shall be present during all ground disturbing construction activities within intact native soil (i.e., undisturbed soils) as noted in the approved Archaeological Monitoring Plan.
60. **MM CR-3 - If human remains are exposed during construction**, the Applicant shall notify the County Environmental Coordinator immediately and comply with State Health and Safety Code Section 7050.5, which states that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains pursuant to Public Resources Code 5097.98. Construction shall halt in the area of the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by law.

61. **MM CR-5 - If any paleontological resources are encountered during ground-disturbing activities**, activities in the immediate area of the find shall be halted and the discovery assessed. A qualified paleontologist shall be retained to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resources shall be developed and implemented if paleontological resources are encountered.

## Geological Resources

62. **MM GR-1a - At the time of application for grading and construction permits**, the proposed rail spur, unloading facility, and oil pipeline infrastructure shall be designed and constructed to withstand anticipated horizontal and vertical ground acceleration in the Project area, based on the California Building Code. The calculated design base ground motion for project components shall consider the soil type, potential for liquefaction, and the most current and applicable seismic attenuation methods that are available.
63. **MM GR-1b - At the time of application for construction permits**, all surface facilities and equipment shall have suitable foundations and anchoring design, surface restraints, and moment-limiting supports to withstand seismically induced groundshaking.
64. **MM GR-1c - A Registered Civil Engineer and Certified Engineering Geologist** shall complete an updated geotechnical investigation specific to the proposed rail spur and oil pipeline site, as previous on-site geotechnical investigations were completed in other areas of the refinery. All geotechnical recommendations provided in the report shall be followed during grading and construction at the Project Site. The updated geotechnical evaluation shall include, but not be limited to, an estimation of both vertical and horizontal anticipated peak ground accelerations, as well as an updated liquefaction analysis.
65. **MM GR-1d - The geotechnical report shall be completed** prior to completion of the final Project design and shall be submitted to the County of San Luis Obispo Building Division for review and approval. The Project design must conform to the recommendations within the updated geotechnical evaluation. The geotechnical recommendations would likely include, but not be limited, to the following:
- a. Proposed structures shall be designed and constructed to withstand anticipated horizontal and vertical ground acceleration in the Project area, based on the California Building Code.
  - b. Proposed structures shall be designed and constructed to withstand the effects of liquefaction, as applicable, based on the California Building Code.
  - c. The Project Site shall be cleared of unsuitable materials and graded to provide a firm base for compacted fill, as applicable. Ground surfaces to receive compacted fill shall be prepared by removing organics, rubble, debris, existing disturbed fill, artificial fill, unconsolidated materials, and soft or disturbed soils. Removal of unconsolidated materials would likely include several feet of over-excavation.

## Exhibit B-1

- d. All fill material shall be placed in uniform lifts not exceeding 8 inches in its loose state and compacted to a minimum of 90 percent relative compaction, as determined by the latest ASTM Test Designation D-1557.
  - e. Due to the low cohesion of the onsite soils (i.e., dune sands), the potential need for mechanical stabilization of fill slopes shall be evaluated and implemented, as applicable, to attain the acceptable factors of safety for stability. Mechanical stabilization may include Mechanically Stabilized Earth (MSE), which includes use of engineered geogrids placed at 2-foot vertical spacing within fill slopes. Cut slopes may similarly require construction of overlying stability fills, using MSE.
  - f. Surface runoff shall be directed away from slopes and foundations and collected in lined ditches or drainage swales, via non-erodible engineered drainage devices. Fill slopes and stability fills, as applicable, shall be provided with subsurface drainage for stability.
66. **MM GR-1e - At the time of application for grading and construction permits**, all proposed slope, building pad, and rail track bed construction shall be properly engineered, with fill placed in accordance with requirements of the current County of San Luis Obispo Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code), and California Building Code.
67. **MM GR-1f - During construction**, the proposed aboveground oil pipeline shall be anchored to prevent pipeline movement, as determined by a California Registered Civil Engineer, in accordance with California Building Code, San Luis Obispo County requirements, and the American Public Works Association Greenbook.
68. **MM GR-1g - At the time of application for construction permits**, the facilities and equipment, including spill containment vaults and Project-related pipelines, shall be designed for predicted, site-specific seismic loading in accordance with applicable codes, including the California Building Code.
69. **MM GR-1h - The Applicant shall cease rail car unloading and pipeline oil conveyance** following any perceptible (i.e., felt by humans) seismic event and inspect all project-related facilities, equipment, and pipelines for damage prior to restarting operations.
70. **MM GR-1i - Consistent with California Building Code Section 3401.2**, all project-related facilities, equipment, and pipelines shall be maintained in conformance with the California Building Code edition under which it was installed. Annual inspections shall be completed by a California Registered Civil Engineer to verify that project components have not been damaged or compromised by seismic induced ground shaking, corrosion, soil erosion, soil settlement, or other geologic hazards.
71. **MM GR-2 - During construction and operations**, the Applicant shall implement a Storm Water Pollution Prevention Plan using Best Management Practices and monitor and maintain stormwater pollution control facilities identified in the Storm Water Pollution Prevention Plan, in a manner consistent with the provisions of the Federal Water Pollution Control Act (National Pollutant Discharge Elimination System Program). Stormwater management protection measures and wet weather measures shall be designed by a California registered, Qualified Storm Water Pollution Prevention Plan

## Exhibit B-1

Developer. In addition, a California registered, Qualified Storm Water Pollution Prevention Plan Practitioner shall oversee and monitor construction and operational Best Management Practices and stormwater management, in accordance with the State General Construction Permit and the Central Coast Regional Water Quality Control Board. Conventional measures typically recommended by the State Water Resource Board and the California Department of Transportation include the following:

- a. Implement permanent erosion and sediment control measures:
  - Minimize grading, clearing, and grubbing to preserve existing vegetation;
  - Use mulches and hydroseed, free of invasive plants, to protect exposed soils;
  - Use geotextiles and mats to stabilize soils;
  - Use drainage swales and dissipation devices; and
  - Use erosion control measures outlined in the California Stormwater Quality Association Best Management Practice Handbook.
- b. Implement temporary Best Management Practice mitigation measures:
  - Use silt fences, sandbags, and straw wattles;
  - Use temporary sediment basins and check dams; and
  - Use temporary Best Management Practices outlined in the California Stormwater Quality Association Best Management Practice Handbook.
- c. Implement tracking control Best Management Practices to reduce tracking sediment offsite.
  - Use stabilized construction entrance and exit with steel shakers;
  - Use tire wash areas; and
  - Use tracking control Best Management Practices outlined in the California Stormwater Quality Association Best Management Practice Handbook.

Personnel at the site shall be trained in equipment use and containment and cleanup of an oil spill. Dry cleanup methods, such as absorbents, shall be used on paved and impermeable surfaces. Spills in dirt areas shall be immediately contained with an earthen dike and the contaminated soil shall be dug up and discarded in accordance with local and state regulations.

72. **MM GR-3 - Implement Mitigation Measure GR-1c** to confirm the absence of expansive soil.

### Hazards and Hazardous Materials

73. **MM HM-2a - Only rail cars designed to DOT-117** shall be allowed to unload crude oil at the Santa Maria Refinery.

74. **MM HM-2d - The refinery shall not accept or unload at the rail unloading facility** any crude oil or petroleum product with an API Gravity of 30° or greater.

### Noise and Vibration

75. **MM N-1 - The Applicant shall ensure** that all construction activity at the Project Site is limited to the hours of 7:00 A.M. to 9:00 P.M., Monday through Friday, and 8:00 A.M. to 5:00 P.M. on Saturdays and Sundays. This restriction shall be a note placed on all construction plans.
76. **MM N-2a - Prior to issuance of the Notice to Proceed**, the Applicant shall develop for review and approved by the County Department of Building and Planning a Rail Unloading and Management Plan that addresses procedures to minimize noise levels at the rail spur, including but not limited to the following: 1) oil train unloading and switching activities at the SMR shall be limited to the period of 7 a.m. to 7 p.m.; 2) when a unit train is pulled in between 7 p.m. and 7 a.m., the locomotives shall shut down until the allowed unloading time starting at 7 a.m. No switching or breaking apart of trains or any other locomotive activity is allowed between 7 p.m. and 7 a.m. except for the minimum activity needed to move the unit train onto the SMR property.; 3) no horns, annunciators or other signaling devices shall be allowed onsite unless it is an emergency. If horns and annunciators are needed onsite for worker safety, then warning devices shall be developed, to CPUC standards, to alert the safety of plant personnel when trains are in motion without an audible warning device.; 4) Any trains repairs shall be conducted only between the hours of 7 A.M. and 7 P.M.
77. **MM N-2b - Prior to issuance of the Notice to Proceed**, the Applicant shall provide to the County Department of Planning and Building evidence from the manufacture that each unloading pump and associated electric motor can achieve a noise level no greater than 71 dBA at 50 feet, including the installation of pump enclosures, or similar devices if necessary.
78. **MM N-2c - Prior to issuance of the Notice to Proceed**, the Applicant shall submit to the County Department of Planning and Building for review and approval a Noise Monitoring Plan that outlines procedures for regular noise monitoring of the operational aspect of the Rail Spur facility. The Plan shall specify at a minimum the duration and location of monitoring activities with and without trains present at the SMR site. The monitoring locations shall **include at least one location within 100 to 200 feet** of the unloading activities and a monitoring location located at the property line of the nearest noise-sensitive receptor. The noise monitoring shall be conducted within one month of rail spur operations commencing. The results of the monitoring shall be reported to the **County within one month of monitoring completion**. If the results of the noise monitoring indicate that noise levels are above the thresholds, then the Applicant shall amend the Rail Unloading and Management Plan with additional mitigation measures that would reduce noise levels below County thresholds. Additional mitigation could include, but not be limited to, additional limits on the times of unloading activities.

### Public Services and Utilities

79. **MM PS-1 - Prior to issuance of grading permits**, the Applicant shall submit a Solid Waste Management Plan (SWMP) for approval by San Luis Obispo County to maintain a diversion rate of at least 50 percent of construction waste from reaching the landfill. The SWMP shall consist of information regarding, but not limited to:

## Exhibit B-1

- a. The name and contact information of who will be responsible for implementing the recycling plan;
  - b. A brief description of the Project wastes to be generated, including types and estimated quantities of each material to be salvaged, reused, or recycled during the construction phase of this Project;
  - c. Waste sorting/recycling and/or collection areas shall be clearly indicated on the Site Map;
  - d. A description of the means of transportation and destination of recyclable materials and waste, and a description of where recyclable materials and waste will be sorted (whether materials will be site-separated and hauled to designated recycling or landfill facilities, or whether mixed materials will be removed from the site to be processed at a mixed waste sorting facility);
  - e. The name of the landfill(s) where trash will be disposed of and a projected amount of material that will be landfilled;
  - f. A description of meetings to be held between Applicant and contractor to ensure compliance with the recycling plan;
  - g. A contingency plan shall identify an alternate location to recycle and/or stockpile construction debris in the event of local recycling facilities becoming unable to accept material (for example: all local recycling facilities reaching the maximum tons per day due to a time period of unusually large volume);
  - h. Disposal information including quantity of material landfilled, which landfill was used, total landfill tipping fees paid, and copies of weight tickets, manifests, receipts, and invoices;
  - i. Recycling information including quantity of material recycled, receiving party, and copies of weight tickets, manifests, receipts, and invoices; and
  - j. Reuse and salvage information including quantities of salvage materials, storage locations if they are to be used on-site, or receiving party if resold/used off-site.
80. **MM PS-3a - Prior to issuance of construction permits**, the Applicant shall submit to Cal Fire/County Fire for review and approval a final Fire Protection Plan for the Rail Spur Project that meets all the applicable requirements of API, NFPA, UFC, and Cal Fire/County Fire.
81. **MM PS-3b - Prior to notice to proceed for the rail unloading facility**, the Applicant shall update the SMR Emergency Response Plan to include the rail unloading facilities and operations.
82. **MM PS-3c - Prior to notice to proceed for the rail unloading facility**, the Applicant shall update the existing SMR Spill Prevention Control and Countermeasure Plan to include the rail unloading facilities and operations.

## Exhibit B-1

83. **MM PS-3d - Prior to notice to proceed for the rail unloading facilities**, the Applicant shall assure that the existing SMR fire brigade meets all the requirements outlined in Occupational Safety and Health Administration 29 CFR 1910.156, and NFPA 600 & 1081.
84. **MM PS-3e - Prior to issuance of grading permits**, the Applicant shall have an executed operational Memorandum of Understanding (MOU) (now called the Operating Plan) with Cal Fire/County Fire that includes fire brigade staffing/training requirements and Cal Fire/County Fire funding requirements. This MOU shall be reviewed and updated annually by Cal Fire and the Applicant.
85. **MM PS-3f - Prior to issuance of grading permits**, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for time spent by a qualified fire inspector to conduct the annual fire inspections at the SMR including all structures, and support facilities consistent with Cal Fire/County Fire's authority and jurisdiction. The Applicant shall reimburse all costs associated with travel time, inspections, inspection training, and documentation completion. The reimbursement rate shall be according to the most recent fee schedule adopted by the San Luis County Board of Supervisors.
86. **MM PS-3g - Prior to issuance of grading permits**, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for offsite training for emergency responders to railcar emergencies, such as the 40-hour course offered by Security and Emergency Response Training Center Railroad Incident Coordination and Safety (RICS) meeting Department of Homeland security, NIIMS, OSHA 29CFR 1910.120 compliance. Initial training shall be two members of the Interagency Hazardous materials Response Team, two members of the interagency Urban Search and Rescue Team, and two members annually from Cal Fire/County Fire or fire districts in San Luis Obispo that have automatic aid agreements with Cal Fire/County Fire for a total of six slots per year for the life of the project.
87. **MM PS-3h - Prior to issuance of grading permits**, the Applicant shall have an agreement to reimburse Cal Fire/County Fire for Fire Chief Officer attendance such as the 40 hour course offered by Security and Emergency Response Training Center; Leadership & Management of Surface Transportation Incidents. Funding shall be for two Fire Chief Officers annually for the life of the project.
88. **MM PS-3i - Prior to issuance of grading permits**, the Applicant shall have an agreement with Cal Fire/County Fire to conduct annual emergency response scenario/field based training including Emergency Operations Center Training activations with the Applicant, Cal Fire/County Fire, UPRR, and other San Luis Obispo County First response agencies that have mutual aid agreements with Cal Fire/County Fire. These annual emergency response drills shall occur for the life of the project.
89. **MM PS-5 - Prior to notice to proceed for the rail unloading facility**, the Applicant shall update their existing Security Plan to include the Rail Spur Project.

### Transportation and Circulation

90. **MM TR-1 - Prior to issuance of grading permits**, the Applicant shall develop a Construction Traffic Management Plan for review and approval by the County Public Works Department and CalTrans. The plans shall include at least the following items:

## Exhibit B-1

- a. A scheduling plan showing operational schedules to minimize traffic congestion during peak hours. The plan shall limit project related traffic to and from the refinery during the peak AM and PM hours. This plan shall note the schedule for completing various construction activities, and to the extent feasible avoid an overlap of the construction of the rail spur/unloading area and pipeline construction. The plan shall show the hours of operation to minimize traffic congestion during peak hours.
- b. Willow Road shall be use for truck deliveries to and from the refinery.
- c. Monitoring program for street surface conditions so that damage or debris resulting from construction of the Project can be identified and corrected by the Applicant.
- d. A traffic control plan showing proposed temporary traffic control measures, if any.
- e. A delivery schedule for construction materials, including an evaluation of the feasibility of transporting construction materials to the site by rail.

### Water Resources

91. **MM WR-1 - During construction**, oil and other chemical spills shall be contained and cleaned according to measures outlined in the California Stormwater Quality Association Best Management Practice Handbook. Best Management Practices would likely include, but not be limited, to the following:
  - a. Ensure minor spill containment and clean up equipment is readily available in areas of demolition, construction, and operations.
  - b. Store petroleum products in covered areas with secondary containment dikes.
  - c. If vehicle maintenance and fueling occur onsite, use a designated area and/or secondary containment, located away from drainage courses, to prevent the run-on of storm water and the runoff of spills.
  - d. Regularly inspect onsite vehicles and equipment for leaks, and repair immediately.
  - e. Always use secondary containment, such as a drain pan or drop cloth, to catch spills or leaks when removing or changing fluids.
  - f. Use absorbent materials on small spills.
92. **MM WR-2 - Prior to the County's issuance of a Notice to Proceed**, the existing Santa Maria Refinery Spill Prevention Control and Countermeasure Plan (SPCCP) shall be amended to reflect operation of the rail car unloading facility and associated oil pipeline. See mitigation measure BIO-7 for the detailed SPCCP requirements for the rail unloading operations.
93. **MM WR-6 - If possible, the Applicant shall use recycled water for construction and operational activities** to reduce impacts to local groundwater supplies. Recycled water could be generated onsite and/or secured via truck transport or water pipeline from the South San Luis Obispo County Sanitation District.

### Other Conditions

## Exhibit B-1

94. **Vertical coastal access is consistent with CZLUO requirements for public safety, military security, and need for protection of fragile coastal resources**, therefore access shall be limited to docent lead pedestrians, no motor vehicles or bicycles shall be allowed.
95. **During operation of the rail spur project**, fueling of locomotives on the project site, except when re-fueling is needed for manifest trains, shall be prohibited.
96. **During operation of the rail spur project**, steam heating of rail cars shall occur no more than once per calendar year.
97. **Within ten (10) days of final approval of this use permit**, the applicant shall, as a condition of approval of this use permit, enter into and record an agreement, in a form approved by County Counsel, providing for the defense and indemnity of the County of San Luis Obispo and its present or former officers, agents, or employees, at the applicant's sole expense, against any claim, action, or proceeding brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this use permit or the manner in which the County is interpreting or enforcing the conditions of this use permit, or any other action by a third party relating to or arising out of the approval or implementation of this use permit. The agreement shall provide that the applicant shall indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such claim, action, or proceeding, and that the County's participation or non-participation in any such action shall not relieve the applicant of his or her obligations under this condition or the agreement.